

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CABLE & WIRELESS)	
COMMUNICATIONS, INC., FOR A)	
CERTIFICATE OF CONVENIENCE AND)	CASE NO.
NECESSITY TO PROVIDE INTEREXCHANGE)	90-150
TELECOMMUNICATIONS SERVICES IN)	
KENTUCKY)	

O R D E R

This matter arising upon petition of Cable & Wireless Communications, Inc. ("CWC") filed April 30, 1990, pursuant to KRS 61.878(1) for confidential protection of CWC's balance sheet and income statement contained in Exhibits 7 and 8 of its application on the grounds that public disclosure is likely to cause competitive injury, and it appearing to this Commission as follows:

CWC has filed an application for a Certificate of Convenience and Necessity to provide interexchange telecommunications services in Kentucky. As part of its application, CWC has submitted as Exhibits 7 and 8 its balance sheet and income statement, which it now seeks to protect from public disclosure. The information is not available to persons outside of the company and is known only to those within the company whose activities require their access to it. To further protect the information each company employee

required to use the information entered into a non-disclosure agreement with CWC upon commencement of their employment.

Pursuant to KRS 61.878(1) commercial information is protected as confidential when it is established that disclosure is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The information sought to be protected is presented by CWC in summary form and does not contain sufficient detail to provide any benefit to CWC competitors. Therefore, no competitive harm has been established and the petition for confidential protection should be denied.

This Commission being otherwise sufficiently advised,

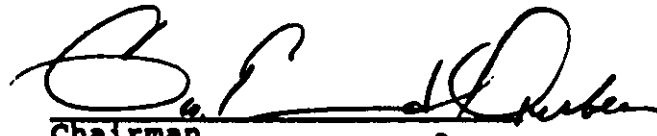
IT IS ORDERED that:

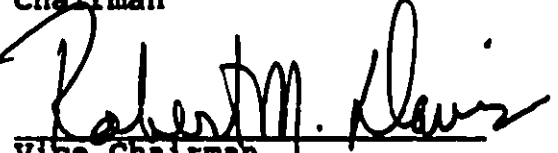
1. The petition for confidential protection of the balance sheet and income statement attached in the application by CWC for a certificate of public convenience and necessity be and it is hereby denied.


2. The information sought to be protected from disclosure shall be held as confidential and proprietary for a period of five working days from the date of this Order, at the expiration of which time it shall be placed in the public record.

Done at Frankfort, Kentucky, this 8th day of August, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director